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Administrative Office of the Courts
County and Municipal Probation Advisory Council

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Shevondah M. Fields
Staff Director

MEETING ANNOUNCEMENT

TO: County and Municipal Probation Advisory Council Members
All Misdemeanor Probation Providers, and
All Interested Parties

FROM: Shevondah M. Fields
Staff Director

DATE: June 18, 2014

RE: Quarterly Meeting & Final Adoption of Proposed Rules Changes

This serves as notice of the next Quarterly Meeting of the County and Municipal Probation Advisory Council. The meeting will be held in Savannah, Georgia. In addition to normal Council business the Council will hear all comments and/or concerns provided to staff and will conduct a final vote on the adoption of two new rules and several rule amendments. A synopsis of each new rule and rule amendment is included and has been uploaded to our public website under "Forms and Documents." If you desire to make a comment about the proposed new and/or amended rules please send your comments in writing to:

Shevondah M. Fields
Staff Director, CMPAC
Administrative Office of the Courts
Suite 300, 244 Washington Street, SW
Atlanta, GA 30334-5900
Email: cmpac@gaaoc.us
Fax: 770-342-4780

All comments must include your contact information and must be received by the close of business on Monday, July 21, 2014.

If you have questions regarding the meeting or have agenda items that you

would like considered, you may contact me at (404) 656-6447 or Mr. Herbert Gordon at (404) 232-1409. The deadline to submit agenda items for consideration is Monday, July 21, 2014.

Date: Thursday, August 21, 2014

Council Meeting: 10:00 a.m. – 12:00 p.m.

Address: Hyatt Regency Savannah
Percival Vernon Room
2 W. Bay St.
Savannah, GA 31041

**SYNOPSIS OF PROPOSED AMENDMENTS TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.04 DEFINITIONS.**

Purpose: The purpose of the proposed amendments is to establish criteria and clarify requirements.

Main Features: The main feature of the proposed amendments is to establish criteria, which identifies the individual that is considered to be the "Director" and clarifies the type of work experience that is needed to serve as the "five year Probation Officer Supervisor."

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.04 DEFINITIONS.**

[Note: underlined text is proposed to be added; sections "n" and "o" proposed to be added]

503-1-.04 Definitions.

Unless the context requires otherwise, the following words and terms shall have the following meanings:

- (a) "Governing Authority" means the elected body of any county or municipality or consolidated government with statutory power to enter into written contracts with corporations, enterprises or agencies to provide public services.
- (b) "Probation Entity" means any probation service, corporation, enterprise, or agency which enters into written contracts or agreements with courts to provide probation supervision, counseling, and collection services for all persons convicted of a misdemeanor and placed on probation by such court. A "probation entity" may be privately owned and operated or run by the governing authority of a county, municipality, or consolidated government.
- (c) "Council" means the County and Municipal Probation Advisory Council.
- (d) "Quorum" means the majority of the seats on the council that must be present for valid transaction of business.
- (e) "Registration application" means the written application process a probation entity must complete in order to be an approved probation service provider.
- (f) "Registration approval" means written authorization by the County and Municipal Probation Advisory Council to any probation entity to provide probation services. Registration approval is a prerequisite for initial and continued probation entity operation. It is granted and continued upon a showing of initial and continued compliance with the requirements set forth in these rules and regulations. Registration approval specifically authorizes a probation entity to enter into agreements with courts and governing authorities to provide probation services.
- (g) "Probationer" means any misdemeanor offender sentenced by a court of this state and assigned to a probation entity for supervision, counseling, financial collections and compliance with any other court-ordered condition.

(h) "Reprimand" means a written notice to a probation entity for noncompliance of minor or first-time violations of requirements.

(i) "Revocation" means the termination by the council of the registration approval of a probation entity based upon failure to comply with requirements as set forth in these rules and regulations.

(j) "Moral Turpitude" means an act of baseness, vileness or depravity in the private and social duties which man owes to his fellow men or to society in general, contrary to the accepted and customary rule of right and duty between man and man. It is said to be restricted to the gravest offenses, consisting of felonies, infamous crimes, and those that are malum in se and disclose a depraved mind. Individuals convicted of a felony are excluded from serving as an owner, operator, director, agent, or employee of a probation entity. (Rule 503-1-.19(a)(3)) Misdemeanor offenses considered to involve moral turpitude include, but are not limited to pimping, soliciting for prostitutes, false swearing, and theft.

(k) "Conviction" means a finding or verdict of guilt, a plea of guilty, or a plea of nolo contendere in a criminal proceeding.

(l) "Suspension" means a temporary stop, a temporary delay, interruption, or cessation.

(m) "Volunteer" means a person who gives their services without any express or implied promise of remuneration.

(n) "Director" shall be any person who participates in the operations, marketing, marketing consulting or decision making of any probation entity. This would be any person who benefits financially either directly or indirectly from the entity. The definition of Director does not include individuals beneficially owning stock or other securities of a publicly-held corporation unless such individual (a) beneficially owns more than 5% of the voting capital stock of such corporation, or (b) otherwise meets the requirements of the definition of Director as set forth herein.

(o) "Five year Probation Officer Supervisor" experience in corrections, parole or probation services required by Rule 22 is interpreted as experience as a probation officer, parole officer, or corrections counselor.

Authority: OCGA §48-8-100(a), OCGA §42-8-101(b)(4), and OCGA §42-8-108

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.19 EXCLUSIONS.**

Purpose: The purpose of the proposed amendments is to establish when it is acceptable for a probation provider to act as an interpreter for judicial proceedings.

Main Features: The main feature of the proposed amendments is to ensure that all Directors complete a lawful presence affidavit and submit supporting documentation.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.19 EXCLUSIONS.**

[Note: underlined text is proposed to be added; section "f" proposed to be added]

503-1-.19 Exclusions.

(a) The following persons may not own, operate, direct, or serve as an employee or agent of a probation entity:

1. Any employee of the council, or any spouse thereof;
2. Any person for whom owning, operating, directing or serving as an employee or agent would pose an actual, potential, or apparent conflict of interest due to the existence of a fiduciary, business or personal relationship with any probationer or due to the existence of any other relationship that would place the owner, operator, employee or agent in a position to exert undue influence, exploit, take undue advantage of or breach the confidentiality of any probationer. Further, no judge, public probation officer or employee, employee of a court in this state, or any spouse thereof, to the extent services are to be provided within the same jurisdiction served by the judge, public probation officer, or court employee may own, operate, direct or serve as an employee or agent of a private probation entity;
3. Any person who has been convicted of a felony offense; or
4. Any person convicted of a domestic violence offense.

(b) Any owner, operator, director, employee or agent shall not own, operate, or have any interest in any finance business or lending institution which makes loans to probationers under its supervision.

(c) Any owner, operator, director, employee or agent shall not own, operate, or have any financial interest in, be an instructor, or be employed by any private entity which provides drug or alcohol education services or offers DUI Alcohol or Drug Use Risk Reduction Programs certified by the Department of Driver Services.

(d) Any owner, operator, director, employee or agent shall not specify, directly or indirectly, a particular alcohol or drug education program which a probationer may or shall attend. Upon request, probationers may be provided with the names of DUI Alcohol or Drug Use Risk Reduction Programs certified by the Department of Driver Services.

(e) Any owner, operator, director, employee or agent shall not own, operate, or have any financial interest in any private entity which provides ignition interlock services or shall not directly or indirectly refer probationers to specific ignition interlock service providers. This shall

not prohibit furnishing probationers with the names and locations of all ignition interlock providers certified by the Department of Public Safety.

(f) No employee, agent, subcontractor or volunteer of any entity either public or private that provides probation services to any court in the State of Georgia shall act as an interpreter for any judicial proceedings in the State of Georgia except in an emergency situation when ordered by a Judge. No entity either public or private shall be financially responsible for providing an interpreter for any judicial proceedings in the State of Georgia.

Authority OCGA §42-8-104 and §42-8-114

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.22 QUALIFICATIONS OF OWNERS, DIRECTORS, AND AGENTS.**

Purpose: The purpose of the proposed amendment is to update the requirements.

Main Features: The main feature of the proposed amendment is to establish a timeframe in which an individual with a prior misdemeanor involving moral turpitude may apply to become the Owner, Director, or Agent of a probation entity.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.22 QUALIFICATIONS OF OWNERS, DIRECTORS, AND AGENTS.**

[Note: underlined text is proposed to be added]

503-1-.22 Qualifications of Owners, Directors, and Agents.

To be approved to operate a probation entity and continuously thereafter, owners, directors and/or agents must have the qualifications set forth below. These qualifications must be demonstrated at the time of registration application and at any other time reasonably requested by the council.

(a) Initial qualifications. Upon application for registration approval to operate a probation entity, the application must include at least one employed person who is responsible for the direct supervision of probation officers. This supervisor shall have a minimum of five years experience in corrections, parole or probation services; provided however, that the five-year experience requirement shall not apply to any such probation supervisor employed by a county, municipality or consolidated government which was engaged in the provision of probation services on April 15, 2006.

(b) Clear criminal record.

1. No owner, operator, director or agent may have been convicted of or pled guilty or nolo contendere to any crime which constitutes a felony in this or any other state unless a pardon has been obtained.
2. No person shall be employed who has been convicted of sufficient misdemeanors to establish a pattern of disregard for the law, provided that, for purposes of this paragraph, violations of traffic law and other offenses involving the operation of motor vehicles when the employee has received a pardon shall not be considered.
3. No person shall be employed who has been convicted of or pled guilty or nolo contendere to any misdemeanor involving moral turpitude within 5 years preceding the date of employment.

Authority: OCGA §42-8-101, §42-8-102, §42-8-107 and §42-8-108

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.26 PROBATION ENTITY EMPLOYEE CRIMINAL BACKGROUND RECORD
CHECK**

Purpose: The purpose of the proposed amendments is to update the requirements related to initial criminal background checks.

Main Features: The main feature of the proposed amendments is to establish a timeframe in which a Provider must have new employees fingerprinted.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.26 PROBATION ENTITY EMPLOYEE CRIMINAL BACKGROUND RECORD
CHECK**

[Note: underlined text is proposed to be added]

503-1-.26 Probation Entity Employee Criminal Background Record Check

Required. All owners, operators, directors, agents or employees of a probation entity, who provide services to offenders, or have access to probation entity records, or who have face-to-face contact with offenders under Georgia supervision, or who have access to offender data will have a criminal background check completed by the Administrative Office of the Courts in accordance with OCGA §35-3-34 and Council policy. The Council may also complete criminal records checks during employment as often as deemed necessary by the Council. The Administrative Office of the Courts shall report to the probation entity the names and results of the criminal background checks for all individuals. If necessary, the Administrative Office of the Courts shall report the results of the criminal background check of the individual to the council for any needed action.

a. Providers are responsible for fingerprinting new employees through GAPS within 10 days of hire.

Authority: OCGA §42-8-101(e)(9)

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.28 PROBATION ENTITY REPORTS.**

Purpose: The purpose of the proposed amendment is to establish graduated sanctions for reporting violations.

Main Features: The main feature of the proposed amendment is to establish graduated sanctions for probation providers, who fail to submit quarterly reports.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.28 PROBATION ENTITY REPORTS.**

[Note: underlined text is proposed to be added]

503-1-.28 Probation Entity Reports.

All probation entities shall provide the judge and the council with a quarterly probation entity activity report in such detail as the judge and council may require.

(a) Probation entity quarterly activity reports shall be submitted within 30 days after the close of each calendar quarter and shall be made utilizing forms approved by the council.

(1) Graduated sanctions for failure to submit quarterly reports 1, 2, 3, or 4 times within any 24 month period. The 1st offense results in a notice of delinquency.

Authority: OCGA §42-8-103

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.37 ENFORCEMENT OF PROBATION ENTITY REQUIREMENTS.**

Purpose: The purpose of the proposed amendment is to establish a provision in which staff notify the courts of violations.

Main Features: The amendment allows CMPAC staff to notify the courts of probation providers' significant delinquent practice(s) or criminal activity.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.37 ENFORCEMENT OF PROBATION ENTITY REQUIREMENTS.**

[Note: underlined text is proposed to be added]

503-1-.37 Enforcement of Probation Entity Requirements.

The council shall have the authority to deny, suspend, and revoke the registration approval of a probation entity for noncompliance with requirements. Additionally, it shall have the authority to issue a written reprimand or assess administrative fines against any probation entity for noncompliance with requirements. In considering which sanction to impose, the council shall consider the probation entity's history of compliance, the seriousness of the violations, whether the probation entity voluntarily reported problems giving rise to any violation, and whether the probation entity exhibited good faith efforts to correct areas of noncompliance prior or subsequent to their discovery by the council.

(a) Grounds for denial, suspension, revocation, reprimand or assessment of administrative fines. The council may base the denial, suspension, revocation, or assessment of an administrative fine upon any of the following applicable grounds:

1. Knowingly making any verbal or written false or misleading statement of material fact, or knowingly omitting to state a material fact in connection with a registration application or in connection with an inspection or investigation;
2. Failing or refusing to provide council representatives with meaningful access to the probation entity premises, staff, offender records, including refusing to provide the council representatives with documents reasonably necessary to making a compliance determination;
3. The applicant for registration approval having an overall poor record of compliance, including, but not limited to, denial of registration approval within the previous 12 months, registration revocation at any time in the past in this or any other state, or registration suspension within the previous two years;
4. Changing ownership of a private probation entity in order to avoid or avert the denial, revocation, or suspension of registration;
5. Altering or falsifying any probation entity records;
6. Failing or refusing to remit required reports as outlined in these rules;
7. Failing or refusing to comply with any of these rules and regulations, probation entity requirements or violating any law relating to the operation of a probation entity;

8. Failing or refusing to abide by, or comply with, any order or directive issued by the council pursuant to its authority as provided by law or by these rules and regulations;
 9. Failing or refusing to properly supervise its officers, agents, or employees to the detriment of the public. The category of fine under part (c) of this section will be determined by the council based upon the egregiousness of the violation; and
 10. Committing any act or omission that the council, by a majority vote, finds to be contrary to the spirit of these rules and regulations or contrary to the public good.
- (b) Written reprimand or warning. The council in its discretion may choose to issue a written notice of noncompliance to probation entities for minor or first-time violations of requirements.

1. CMPAC staff shall notify the courts of significant delinquent practice(s) or criminal activity. In addition to the courts, the District Attorney (DA) and appropriate law enforcement agency of the jurisdiction wherein the criminal activity is suspected to have occurred shall be notified.

Authority: OCGA §42-8-101(e)(6)

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.20 PROBATION ENTITY EMPLOYEE STANDARDS**

Purpose: The purpose of the proposed amendment is to include all misdemeanor violations in this provision.

Main Features: The main feature of the proposed amendment is to include all misdemeanor violations and remove select verbiage that does not include all misdemeanors.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.20 PROBATION ENTITY EMPLOYEE STANDARDS**

[Note: Struck through text is proposed to be deleted; underlined text is proposed to be added]

503-1-.20 Probation Entity Employee Standards.

Any employee, agent or volunteer who provides any service to offenders or has access to probation entity records, or who has telephone or face-to-face contact with offenders under Georgia supervision, or access to offender data, must meet the following requirements:

- (a) Be at least 18 years of age;
- (b) Sign a confidentiality statement agreeing to hold the records of the probation entity confidential, to be maintained in employee personnel files;
- (c) Sign a statement cosigned by the probation entity director or his/her designee that the employee has received an orientation on these rules as well as operations guidelines relevant to that employee's job duties which shall be maintained in employee personnel files;
- (d) Complete a criminal background check.

(1) No person shall be employed who has been convicted of sufficient misdemeanors to establish a pattern of disregard for the law, ~~provided that, for purposes of this paragraph, Violations of misdemeanors—traffic law and other offenses involving the operation of motor vehicles~~ when the employee has received a pardon shall not be considered.”

Authority: OCGA §42-8-101

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.21 PROBATION OFFICER STANDARDS**

Purpose: The purpose of the proposed amendment is to clarify the qualifications needed to be employed as a probation officer.

Main Features: The main feature of the proposed amendment is to clarify the qualifications criteria.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.21 PROBATION OFFICER STANDARDS**

[Note: Struck through text is proposed to be deleted; underlined text is proposed to be added]

503-1-.21 Probation Officer Standards.

The standards for any person employed as a probation officer with a probation entity are:

- (a) At least 21 years of age at the time of appointment;
- (b) Completed a standard two-year college course of study (~~or 90 quarter hours/~~or 60 semester hours) from an accredited institution or have four years of law enforcement experience as a certified peace officer or jurisdictional equivalent, at the time of appointment; any private probation officer who was employed as of July 1, ~~1996~~ 2014 and who had at least six months of experience as a private probation officer, or any person employed as a probation officer by a county, municipality, or consolidated government as of ~~March 1, 2006~~ July 1, 2014, shall be exempt from such college requirements. Documentation of education, law enforcement experience, and POST certification shall be maintained in the employees personnel files;

Authority: OCGA §42-8-102

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.22 QUALIFICATIONS OF OWNERS, DIRECTORS, AND AGENTS**

Purpose: The purpose of the proposed amendment is to include all misdemeanor violations in this provision and omit the requirement to use a process that is no longer utilized.

Main Features: The main feature of the proposed amendment is to include all misdemeanor violations, remove select verbiage that does not include all misdemeanors, and omits the use of finger print cards.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.22 QUALIFICATIONS OF OWNERS, DIRECTORS, AND AGENTS**

[Note: Struck through text is proposed to be deleted; underlined text is proposed to be added]

503-1-.22 Qualifications of Owners, Directors and Agents.

To be approved to operate a probation entity and continuously thereafter, owners, directors and/or agents must have the qualifications set forth below. These qualifications must be demonstrated at the time of registration application and at any other time reasonably requested by the council.

(a) Initial qualifications. Upon application for registration approval to operate a probation entity, the application must include at least one employed person who is responsible for the direct supervision of probation officers. This supervisor shall have a minimum of five years experience in corrections, parole or probation services; provided however, that the five-year experience requirement shall not apply to any such probation supervisor employed by a county, municipality or consolidated government which was engaged in the provision of probation services on April 15, 2006.

(b) Clear criminal record.

1. No owner, operator, director or agent may have been convicted of or pled guilty or nolo contendere to any crime which constitutes a felony in this or any other state unless a pardon has been obtained.

2. No person shall be employed who has been convicted of sufficient misdemeanors to establish a pattern of disregard for the law, ~~provided that, for purposes of this paragraph, Violations of misdemeanors~~ traffic law and other offenses involving the operation of motor vehicles when the employee has received a pardon shall not be considered.

(d) Age. Must be at least twenty-one years of age.

(e) Confidentiality statement. Each owner, director or agent must sign a council provided confidentiality statement agreeing to hold the identity of offenders and records confidential. Confidentiality statement shall be maintained in the employee personnel files;

(f) Private Probation Service Plan. The registration application must demonstrate through a written plan or sample contract form, the reasonable ability to furnish continuous service in compliance with probation entity requirements from the date operation commences. Private probation entity plans and contracts must minimally contain the following information and must be filed and maintained current with the council:

1. Description of the extent of services to be rendered by the entity;
2. Staff qualifications which meet or exceed the statute;

3. Criminal records checks completed on all staff in accordance with Rule 503-1-.26 and OCGA §35-3-34 ~~by providing completed fingerprint cards;~~

4. Policies and procedures for staff training;

5. Bonding of staff;

6. Staffing levels and standards of supervision, including the type and frequency of contacts;

7. Collection procedures for handling court-ordered fines, fees, and restitution;

8. Procedures for handling indigent offenders;

9. Revocation procedures and circumstances;

10. Reporting and record keeping procedures;

11. Default and contract termination procedures; and

12. A schedule of the range of probation fees and charges assessed to the probationers supervised by the entity.

(g) Government Probation Service Plan. The registration application must demonstrate through a written plan or sample contract form, the reasonable ability to furnish continuous service in compliance with probation entity requirements from the date operation commences. Plans and contracts of a government probation entity that enters into agreements with a judge to provide probation services must minimally contain the following information and must be filed and maintained current with the council:

1. Description of the extent of services to be rendered by the local governing authority providing probation services;

2. Staff qualifications which meet or exceed the statute;

3. Criminal records checks completed on all staff in accordance with Rule 503-1-.26 and OCGA §35-3-34 ~~by providing completed fingerprint cards;~~

Authority: OCGA §42-8-101, §42-8-102, §42-8-107 and §42-8-108

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.36 INSPECTIONS, INVESTIGATIONS, AND PROBATION ENTITY
MONITORING**

Purpose: The purpose of the proposed amendment is to ensure that this rule is applicable all positions and/or job titles.

Main Features: The main feature of the proposed amendment is to remove the words has previously owned, directed or operated a probation entity.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.36 INSPECTIONS, INVESTIGATIONS, AND PROBATION ENTITY
MONITORING**

[Note: Struck through text is proposed to be deleted; underlined text is proposed to be added]

503-1-.36 Inspections, Investigations, and Probation Entity Monitoring.

The council or its designated representative(s) are authorized and empowered to conduct inspections and investigations of probation entities to determine and monitor compliance with requirements.

(a) Inspections. The council or its designated representative(s) are authorized and empowered to conduct periodic inspections at any time during the established operating hours of such probation entity in order to assess compliance with requirements.

(b) Investigations. The council or its designated representative(s) are authorized and empowered to conduct investigations to determine whether any probation entity requirements have been, or are being violated by any probation entity. Such investigations may be conducted at any site, location, or place, may be initiated any time during operating or other reasonable hours, may continue during a pending administrative action initiated by the council, and may involve any person who may have information related to an alleged or suspected violation by a probation entity. Investigations may be initiated by the council, at its discretion, when it suspects actual or potential noncompliance with requirements on the part of a probation entity, or when any person alleges facts which, if true, likely would constitute a violation of requirements.

1. Consent to entry and access. A registration application or the approval by the council constitutes consent by the registration applicant and the owner of the premises for the council's representatives to enter the premises for the purpose of conducting an inspection, investigation, or monitoring.

2. Council representatives must be allowed immediate entrance and meaningful access to the probation entity premises and to sources of information determined by the council to be pertinent to making a full compliance determination. This information includes, but is not necessarily limited to: all staff, all parts of the premises, offender records related to the initial or continued registration approval of a probation entity.

3. The council additionally shall have the authority to require the probation entity to provide any relevant documents including originals where available or photocopies or portions thereof. This authority extends to documents to which confidentiality or privilege otherwise would attach; however any claim of confidentiality or privilege will be preserved and will not be considered to have been waived as a result of the council's access.

4. Cooperation with inspection. Probation entity staff, employees, representatives, and any agents thereof, must cooperate with any inspection or investigation by the council and must provide, without delay, any information reasonably requested by council representatives.

(c) Noncompliance with probation entity requirements. The council will notify any probation entity found not to be in compliance with requirements. The council shall provide any such notification in writing and shall state the specific rule(s) violated and the factual basis for its finding of noncompliance. The probation entity then must correct all violations within a reasonable period of time, as determined by the council.

(d) History of compliance. Any Applicant who ~~has previously owned, directed or operated a probation entity~~ applies for registration approval; the council will consider the applicant's history of compliance in determining the applicant's eligibility for approval.

Authority: OCGA §42-8-101(e)(6) and OCGA §42-8-106

**SYNOPSIS OF PROPOSED AMENDMENT TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.37 Enforcement of Probation Entity Requirements.**

Purpose: The purpose of the proposed amendment is to document established protocol when addressing provider violations.

Main Features: The main feature of the proposed amendment is to include subsections "g" and "h," which documents the prehearing process and appearances before the Council.

**DIFFERENCES BETWEEN THE EXISTING RULE AND
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULE
503-1-.37 Enforcement of Probation Entity Requirements.**

[Note: underlined text is proposed to be added to existing rule]

503-1-.37 Enforcement of Probation Entity Requirements.

(g) Pre-hearing conference. Prior to appearing before council, a pre-hearing conference may be held. The entity and its counsel, if any, a member of the Council's staff and an Assistant Attorney General may participate. The purpose of the conference is to discuss any issues in dispute and to provide the parties an opportunity to present any additional matters relevant to the alleged violations.

(h) Appearance before council. Prior to appearing before council as a result of an investigation, the Council/staff shall serve the affected entity with a notice to appear that contains a summary of the allegations, investigative findings, and alleged violations of rule or law.

Authority: OCGA §42-8-101

**SYNOPSIS OF PROPOSED RULE TO BE ADDED TO THE
COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULES**

Purpose: The purpose of the proposed rule is to comply with the 2011 Immigration Act.

Main Features: The main feature of the proposed rule is to require all directors of probation entities to comply with the 2011 Immigration Act.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE

This is a new regulation. There is no existing rule.

503-1-.40 2011 Immigration Act

All providers must comply with the 2011 Immigration Act. For future registration renewals all directors shall submit the lawful presence affidavit.

Authority: O.C.G.A. § 50-36-1

SYNOPSIS OF PROPOSED RULE TO BE ADDED TO THE COUNTY AND MUNICIPAL PROBATION ADVISORY COUNCIL RULES

Purpose: The purpose of the proposed rule is to establish when providers shall have access to complaints.

Main Features: The main feature of the proposed rule is to allow providers to view a complaint against their entity upon being charged by the Council.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULE

This is a new regulation. There is no existing rule.

503-1-.41 Confidentiality of Complaints

The "Complaint Form" shall not be considered an initial incident report. The complaint form shall remain confidential until the investigation of the complaint is completed. When the provider is charged with a violation by the Council he/she has a right to view the complaint.

****Once a possible violation of rule or law has been identified by council/staff the council/staff shall open an investigation and notify the entity/agent/etc. of the investigation against that entity in writing. A copy of the complaint or summary of the complaint shall be sent to the entity/agent. Identifying information of complainants may be redacted. Staff shall summarize the allegations, investigative findings, and alleged violations of rule or law in a case summary. A courtesy copy of the case summary shall be forwarded to the attorney general's office prior to conducting a pre-hearing conference. A copy of the case summary shall also be delivered to the affected entity.

Authority: O.C.G.A. § 42-8-101